

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

In the Matter of

Amendment of Part 73 of the)
Commission's Rules to More Effectively)
Resolve Broadcast Blanketing Interference,)
Including Interference to Consumer Electronics)
and Other Communications Devices)
)

MM Docket No. 96-62

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COMMENTS OF THE
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EXECUTIVE SUMMARY

In these comments the National Association of Broadcasters ("NAB") responds to the proposals offered in the FCC's *Notice of Proposed Rule Making* dealing with reforms to the broadcast "blanketing" rules. We urge the Commission to adopt a regulatory scheme based on reasonableness and avoiding undue burdens on stations operating in full compliance with the Commission's allocations and transmission/technical rules.

Although recognizing that radio broadcasters have been subjected to blanketing obligations for several years, NAB points out that the blanketing phenomenon is due largely to the failure of the manufacturers of various electronic equipment to design these devices in a fashion that will make them "interference-immune." On this basis, among others, NAB strongly opposes any Commission efforts to expand broadcasters' current obligations to "resolve" or to "provide information" regarding blanketing problems.

NAB objects to: (1) extending blanketing obligations to various other electronic devices, such as mobile or hard-wired telephones, computers, wireless LANs and other forms of electronic gear now entering offices and residences; (2) mandating any "resolution" or "information" obligation after a year of the station's operation with new or modified facilities; and (3) imposing any special broadcaster obligation *vis-à-vis* locations of "temporary lodging or transient residences." None of these new obligations is warranted; rather, the focus of FCC regulation should be on requiring manufacturers of these devices to adopt designs that will ensure non-interference.

Also, NAB believes there is insufficient reason to adopt blanketing rules applying to television, in view of the paucity of complaints over such interference and the near-term conversion of over-the-air television broadcasting to digital transmission.

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**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

In this proceeding¹ the Commission proposes to modify and extend the "blanketing interference" obligations of radio broadcast stations and to adopt new blanketing interference requirements for television broadcast stations. Here the National Association of Broadcasters ("NAB")² offers its comments on the FCC proposals.

At the outset, and to better facilitate any discussion over such blanketing phenomena, it is important to underscore the fact that "blanketing" occurs not due to any operational deficiency, unauthorized transmission or any other failing upon the part of the broadcaster. Rather, blanketing occurs due to the design characteristics of the "interfered with" electronic equipment. Indeed, and with little exception, all the electronic equipment addressed in the Commission's *Notice* can and should be made to be immune from such

¹ See *Notice of Proposed Rule Making* ("Notice") in MM Docket No. 96-62, 11 FCC Rcd 4750 (1996).

² NAB is a nonprofit, incorporated association of television and radio stations and networks which serves and represents the American broadcast industry.

blanketing interference. As such, any discussion of broadcasters' obligations to resolve blanketing interference must recognize and honor a line of reasonableness. If anything, the Commission's new focus on blanketing should result not in new obligations on broadcasters (operating consistent with full FCC authorization) but rather on the need for the FCC to adopt more demanding and effective technical standards for the manufacture and domestic sale of a variety of potentially-affected electronic equipment.

Although radio broadcasting has been placed under blanketing rules for some time, it should not be subjected to more onerous obligations, such as: (1) extending blanketing obligations to a range of other electronic equipment (such as telephone receivers -- either mobile or hard wire -- cable converters or any other "network" or "network terminal devices"); (2) mandating any "resolution" or "information" obligation after a year of the station's operation with its new or modified facilities; or (3) imposing any special obligations *vis-à-vis* locations of "temporary lodging or transient residences."³

Moreover, we strongly urge the Commission *not* to adopt any television blanketing rules at this time. The relative absence of blanketing complaints against television stations, plus these facilities' impending conversion to digital transmission suggest that now is not the time for any imposition of new blanketing rule obligations.

II. BROADCASTERS SHOULD NOT BE REQUIRED TO RESOLVE INTERFERENCE THAT RESULTS FROM BROADCAST SIGNALS LEAKING INTO NETWORK EQUIPMENT.

Blanketing interference problems that involve wired telecommunications networks (*e.g.*, the public switched telephone network and cable television systems) are substantially

³ See Notice, *supra* note 1, ¶19.

different from those that involve only over-the-air reception devices. The operators of wired networks provide a continuing service to their customers. They must maintain the wired channel to their customers in accordance with specific technical standards, and they employ technicians to achieve this objective. These technicians are the individuals who are best qualified to resolve interference problems that occur in the wired networks.

Wired networks also must be capable of withstanding the high levels of radio frequency energy that are present in blanketed areas. Because these wired networks cover such a vast amount of the geographic area of the United States, it is inevitable for portions of these networks to be located within the blanketed contours of numerous broadcast facilities. As a result, the technical personnel who maintain these networks are very familiar with blanketing interference and therefore well qualified to deal with it when they encounter it.

This situation differs substantially from that of an individual consumer employing an over-the-air receiver. The individual consumer may not have *any* expertise in the area of blanketing interference and, furthermore, may have a difficult time obtaining help from the receiver's manufacturer, depending on when and where the receiver was purchased. It is understandable that *some* consumers using privately owned TVs or broadcast radio receivers *may* need regulatory protection. In contrast, the operators of wired networks are very familiar with blanketing interference and how best to deal with it in their networks. No broadcaster obligation should be involved here.

III. BROADCASTERS SHOULD NOT BE RESPONSIBLE FOR RESOLVING BLANKETING INTERFERENCE PROBLEMS THAT RESULT FROM SIGNAL RECEPTION BY NETWORK TERMINAL DEVICES.

Blanketing interference problems that occur in terminal devices which are connected to wired networks (*e.g.*, telephones, cable system terminal devices, etc.) should be the joint responsibility of the network operators and equipment manufacturers. No broadcaster obligation should be involved here.

Network operators should be jointly responsible, and for two reasons. First, the installation of filters or other devices that might be used for blanketing interference mitigation at the network terminal location may affect the network's performance. Thus, it should be a party affiliated with the network that should take on the obligation of installing these devices, again with no cost or obligation borne by the broadcaster.⁴

Second, it is often the case that the individual consumer is only leasing the terminal device from the network service provider, or that the consumer has a service contract with the network service provider to provide technical maintenance for the terminal device.

Any tampering with the device by someone other than an authorized technician may violate the terms of the consumer's contract with the network service provider.

Blanketing problems that affect terminal devices which are not covered by a service contract should also be resolved by the network service provider because, as noted above, only qualified network technicians should attach filters or other electronic components to the communications network.

⁴ We note that network terminal devices, such as telephones and cable converters, are subject to Commission technical standards that are intended, in part and in theory, to protect the network from harm and to minimize interference to other radio communications. However, many individual electronic components that might be attached to a network to resolve blanketing problems are not subject to such standards, and should therefore be installed by professionals familiar with the network.

The manufacturers of terminal equipment also have a responsibility to produce products that can withstand the electromagnetic fields that are present in the vicinity of broadcast towers. We note that the Telecommunications Industry Association (TIA), the telephone equipment manufacturers' own trade association, has recognized this responsibility and adopted immunity standards for telephone terminal equipment.⁵ The standards adopted by TIA require telephones, answering machines, etc. to be capable of withstanding radiated E-fields of 3 V/m for the frequency range 150 kHz - 150 MHz. The TIA standards also require this equipment to be capable of withstanding conducted signals of 3 V in the frequency range 150 kHz - 30 MHz over both the signal and power leads.

While we are not necessarily endorsing the specific limits or frequency ranges embodied in the TIA standards, we absolutely agree that some limits must be set. Furthermore, we believe that the Commission has a responsibility to set such limits, and that the limits should apply to all consumer electronic equipment. Indeed, we urge the Commission to initiate such a proceeding expeditiously -- a proceeding aimed at setting responsible and effective radio frequency immunity standards. We further urge the Commission to address the TIA standards in any of its ongoing or future proceedings addressing electronic devices used in the home.

⁵ See *Telecommunications Telephone Terminal Equipment Radio Frequency Immunity Requirements for Equipment Having an Acoustic Output* (TIA/EIA 631).

IV. TO THE EXTENT THAT BROADCASTERS DO HAVE ANY RESPONSIBILITY TO SATISFY BLANKETING INTERFERENCE COMPLAINTS, THIS RESPONSIBILITY MUST BE REASONABLE.

Any requirements placed on broadcasters to satisfy blanketing interference complaints should not be unreasonable. This concept of reasonableness extends to factors such as: (a) the time period and nature any such obligation; (b) the range of electronic equipment to which such an obligation would apply; (c) the location and identity of the user of the equipment and (d) the cost burden of resolving an individual complaint.

A. One Year is a Sufficient Period of Time for Meeting Any Blanketing Interference “Resolution or Information” Obligation.

Any responsibility that broadcasters do have to correct blanketing interference problems should not extend beyond one year. It is unreasonable, for example, to expect a broadcaster that has been operating for many years with the same facilities in the same location to fix a number of blanketing interference problems that arise long after the broadcaster has begun new or modified operations and has resolved complaints submitted within a one-year period. It also would be unreasonable and unfair, for example, to require a broadcaster to take on a new blanketing obligation after a developer builds a condominium complex nearby.

B. No Additional Electronic Equipment Should be Included in a Revised Blanketing Rule.

Throughout the *Notice* there is evidence of the notion that broadcasters should take on a series of new blanketing interference obligation due to the introduction of new

and diverse electronic communications equipment into residence, business and mobile locations. There is no rational nor equitable foundation for such a premise. Above we have pointed out that the range of devices the Commission proposes be included in a revised blanketing rule are fully capable of being manufactured so as to be immune from such interference. The issue, therefore, reduces itself to the question as to who should bear the cost of eliminating blanketing interference experienced by users of these devices. The answer is the manufacturers of such devices.

NAB finds it incredible that the Commission believes it can impose obligations on broadcasters to pay for the design deficiencies of manufacturers -- especially where these deficiencies are due in large part to the Commission's failure to adopt responsible "interference immunity" standards. Does the FCC expect broadcasters to take on such "resolution" or "information" obligations no matter what the technology is? Do broadcasters have to look forward to curing design deficiencies in computers, wireless LANs and every other high tech device to enter an office or a residence? Such a prospect of course would not be reasonable, especially in light of the fact that the manufacturers of such products have ample opportunity to design this gear in an interference-immune fashion. Similarly, the FCC has the opportunity and authority to require manufacturers to meet such immunity standards.

C. The Commission Must Not Impose Any New Broadcaster Obligations Toward "Transients."

Also, and referring back to an example offered above, it would be unreasonable to impose an obligation on a broadcaster to resolve a complaint by a new resident in a

condominium or apartment house located near the broadcast facility. Such a result potentially would increase a broadcaster's obligation indefinitely -- regardless of the time period involved and keyed only to the nature of the electronic equipment brought near a broadcast tower. It is also unreasonable to expect any broadcaster to correct any blanketing interference problem that occurs in a mobile receiver. Though an extreme example, one can imagine the blanketing burden that would be placed on the unfortunate broadcaster who has a tower near a major interstate highway.

D. Unreasonable Cost Burdens Should Not be Imposed on Broadcasters Responding to a Blanketing Complaint.

In addition, it is unreasonable to expect a broadcaster to replace a \$30 radio with a \$300 receiver, in order to correct an interference problem. In addition, and also on the subject of cost burdens, we propose that any requirement for broadcasters to resolve blanketing interference problems should include the following language:

“These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers, non-RF devices (such as tape recorders and phonographs), telephone terminal equipment, and cable system terminal equipment are also excluded.”⁶

Also, NAB is much taken aback by the Commission's proposals to impose new recordkeeping and, indeed, “customer service-like” burdens on broadcasters in this area of

⁶ We note that the Commission has proposed to eliminate the “high gain antenna” provision in such a rule. However, and despite the infrequent instances where high gain antennas have been involved in a blanketing complaint, we believe that such an exclusion still is warranted and that the Commission's rules still should reflect that policy decision.

blanketing interference. The FCC suggests that stations maintain letters of blanketing complaints -- regardless of whether the letter comes from within the blanketing contour or is submitted after a one-year period -- and records containing detailed information regarding the resolution of the complaint. Additionally, the Commission proposes to establish “response time” standards, again without regard to the timing, location or genuineness of the complaint and regardless of the fact that no “seller/customer” relationship exists here; but does of course exist between the consumer and the manufacturer of the equipment, the latter which should be taking on much more of the “blanketing” burden than has been the case in the past. We strongly oppose the adoption of any such new recordkeeping or “response time” requirements on broadcasters.

**V. NO BROADCASTER OBLIGATION -- NOT “RESOLUTION,”
“TECHNICAL ASSISTANCE” NOR “INFORMATION” -- SHOULD
APPLY TO LOCATIONS OUTSIDE THE BLANKETING CONTOUR.**

In the text of the *Notice* and in the *Notice*’s “Appendix A” the Commission proposes to require broadcasters to meet certain blanketing interference obligations where there are blanketing complaints coming from locations outside the “blanketing contour.” In the same fashion that NAB is opposed to the extension of a blanketing obligation beyond one year, we also much oppose any blanketing obligation extending beyond the “blanketing contour.” Clearly, the record shows that broadcasters often have worked to help resolve complaints beyond one year and beyond the blanketing contours. But, these efforts have taken place on a voluntary basis. No rule change should convert these voluntary efforts to mandatory obligations.

VI. NO TELEVISION BLANKETING RULE SHOULD BE ADOPTED AT THIS TIME.

NAB finds little reason for the Commission to extend blanketing rule obligations to television broadcasters at this time. For one, we note that the Commission's "Telephone Interference Survey"⁷ did not reflect a single reported complaint of interference from television stations. Additionally, NAB is unaware of television stations being the source of any significant level of blanketing complaints.

Moreover, television broadcasters are involved now in the conversion of their operations from analog to digital transmission.⁸ As such, the relationship of television broadcasters' signals to various forms of electronic equipment will be changing. Thus, it would appear that adoption of rules now to govern the rare occurrence of television blanketing interference is now unnecessary and that any rules adopted now likely would be irrelevant to the future regime of digital television transmission.

But, if the Commission nonetheless decides to move forward and adopt a television blanketing rule at this time, it should *not* adopt the proposed 115 dBu blanketing contour. For television stations, that contour would be far too large to constitute a fair depiction of the area within which the television broadcaster might have a blanketing obligation.

IX. CONCLUSION.

For the reasons stated above, NAB urges the Commission, in revising its blanketing rules, to adopt regulatory changes that are consistent with the principles of

⁷ See Notice, *supra* note 1, ¶23.


⁸ See, e.g., *Fifth Further Notice of Proposed Rule Making* in MM Docket No. 87-268, FCC 96-207, (adopted May 9, 1996, released May 20, 1996).

reasonableness and equity. The Commission must not unfairly expand radio broadcasters' blanketing obligations, in terms of time period, location or the nature of the electronic device. Moreover, we believe it is at least premature for the FCC to impose a new television blanketing rule. The transition to digital television and the paucity of television blanketing complaints argue strongly against the Commission adopting a television blanketing rule in this proceeding.

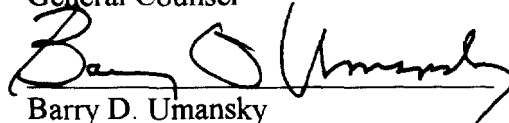
Respectfully submitted,

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